

MARANGA • MORGENSTERN  
Kenneth A. Maranga, Esq. (SBN 94116)  
ken.maranga@marmorlaw.com  
Patricia E. Ellyatt, Esq., (SBN 175302)  
pellyatt@marmorlaw.com  
Frank J. Ozello, Jr. (SBN 153989)  
fozello@marmorlaw.com  
A Professional Law Corporation  
5850 Canoga Avenue, Suite 600  
Woodland Hills, CA 91367  
(818) 587-9146 ■ Fax: (818) 587-9147

GREINES, MARTIN, STEIN & RICHLAND, LLP  
Timothy T. Coates, Esq. (SBN 110364)  
tcoates@gmsr.com  
5900 Wilshire Boulevard, 12<sup>th</sup> Floor  
Los Angeles, CA 900356  
Telephone: (310) 859-7811  
Facsimile: (310) 276-5261

Attorneys for Defendants COUNTY OF LOS  
ANGELES and WILLIAM T. FUJIOKA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

REVEREND FATHER IAN  
ELLIOTT DAVIES; REVEREND J.  
EDWIN BACON, JR.; SHAKEEL  
SYED; RABBI HAROLD M.  
SCHULWEIS; REVEREND TERA  
LITTLE; RABBI JOHN ROSOVE;  
REVEREND PETER LAARMAN;  
DAVID N. MYERS; and RABBI  
AMY BERNSTEIN,

Plaintiffs,

v.

LOS ANGELES COUNTY BOARD  
OF SUPERVISORS; and WILLIAM  
T. FUJIOKA,

Defendants.

Case No. CV14-0907CAS-JEMx

**ANSWER OF DEFENDANTS COUNTY  
OF LOS ANGELES AND WILLIAM T.  
FUJIOKA TO PLAINTIFFS'  
COMPLAINT**

1 Defendant COUNTY OF LOS ANGELES, a public entity (erroneously sued  
2 and served as Los Angeles County Board of Supervisors), and WILLIAM T.  
3 FUJIOKA ("Defendants"), through their undersigned attorneys, answer the  
4 Complaint of Plaintiffs REVEREND FATHER IAN ELLIOTT DAVIES;  
5 REVEREND J. EDWIN BACON, JR.; SHAKEEL SYED; RABBI HAROLD M.  
6 SCHULWEIS; REVEREND TERA LITTLE; RABBI JOHN ROSOVE;  
7 REVEREND PETER LAARMAN; DAVID N. MYERS; and RABBI AMY  
8 BERNSTEIN ("Plaintiffs") as follows:

9 **JURISDICTION**

10 1. Answering paragraph 1 of the Complaint, the Defendants admit that  
11 under the facts alleged, this Court has jurisdiction over the subject matter of  
12 Plaintiffs' claims at this time. As to the remainder of the allegations set forth in  
13 paragraph 1 of the Complaint, the Defendants do not have sufficient information or  
14 belief to enable them to answer said paragraph and, on that ground, deny each and  
15 every allegation contained therein.

16 **VENUE**

17 2. Answering paragraph 2 of the Complaint, the Defendants admit that  
18 under the facts alleged, venue is proper. As to the remainder of the allegations set  
19 forth in paragraph 2 of the Complaint, the Defendants do not have sufficient  
20 information or belief to enable them to answer said paragraph and, on that ground,  
21 deny each and every allegation contained therein.

22 **INTRODUCTION**

23 3. Answering paragraph 3 of the Complaint, the Defendants do not have  
24 sufficient information or belief to enable them to answer said paragraph and, on that  
25 ground, deny each and every allegation contained therein.

26 4. Paragraph 4 of the Complaint states legal conclusions to which no  
27 response is required. To the extent paragraph 4 contains allegations of fact, the  
28 Defendants deny them.

1           5. Paragraph 5 of the Complaint contains legal conclusions to which no  
2 response is required. To the extent paragraph 5 contains allegations of fact, the  
3 Defendants deny them.

4           6. Answering paragraph 6 of the Complaint, the Defendants do not have  
5 sufficient information or belief to enable them to answer said paragraph and, on that  
6 ground, deny each and every allegation contained therein.

7           7. Answering paragraph 7 of the Complaint, the Defendants do not have  
8 sufficient information or belief to enable them to answer said paragraph and, on that  
9 ground, deny each and every allegation contained therein.

10          8. Paragraph 8 of the Complaint states legal conclusions to which no  
11 response is required. To the extent paragraph 8 contains allegations of fact,  
12 Defendants deny them.

13          9. Answering paragraph 9 of the Complaint, the Defendants admit that on  
14 January 7, 2014, the Los Angeles County Board of Supervisors approved the  
15 addition of a cross to the California Mission already depicted upon the County seal.  
16 As to the remainder of the allegations set forth in paragraph 9 of the Complaint, the  
17 Defendants deny them.

18          10. Answering paragraph 10 of the Complaint, the Defendants admit that  
19 the County seal appears on some County government buildings, on some uniforms  
20 and badges of County governmental officials, on some County governmental motor  
21 vehicles and on some County documents and correspondence. As to whether the  
22 County seal appears on uniforms and badges of law enforcement personnel, the  
23 Defendants do not have sufficient information or belief to enable them to respond to  
24 that allegation and, on that basis, deny it. As to the remainder of the allegations in  
25 paragraph 10, the Defendants deny them.

26 ///

27 ///

28 ///



1           20. Answering paragraph 20 of the Complaint, the Defendants do not have  
2 sufficient information or belief to enable them to answer said paragraph and, on that  
3 ground, deny each and every allegation contained therein.

4           21. Answering paragraph 21 of the Complaint, the Defendants do not have  
5 sufficient information or belief to enable them to answer said paragraph and, on that  
6 ground, deny each and every allegation contained therein.

7           22. Answering paragraph 22 of the Complaint, the Defendants admit that  
8 the Los Angeles County Board of Supervisors is the governing body of the County  
9 of Los Angeles. The Defendants further admit that the current five elected super-  
10 visors are Gloria Molina, Mark Ridley-Thomas, Zev Yaroslavsky, Don Knabe and  
11 Michael D. Antonovich. As to the remainder of the allegations set forth in  
12 paragraph 22 of the Complaint, the Defendants do not have sufficient information  
13 or belief to enable them to answer said paragraph and, on that ground, deny each  
14 and every allegation contained therein.

15           23. Answering paragraph 23 of the Complaint, the Defendants admit that,  
16 as of the date of this Answer, William T. Fujioka is the Chief Executive Officer of  
17 the County of Los Angeles, and that he exercises executive authority over most  
18 County departments and operations. As to the remainder of the allegations set forth  
19 in paragraph 23 of the Complaint, the Defendants do not have sufficient informa-  
20 tion or belief to enable them to answer said paragraph and, on that ground, deny  
21 each and every allegation contained therein.

22                                   **FACTUAL ALLEGATIONS**

23           24. Answering paragraph 24 of the Complaint, the Defendants admit that  
24 Los Angeles County adopted a new seal for Los Angeles County on January 2,  
25 1957, which became effective on March 1, 1957. The Defendants admit that the  
26 design for the new seal was submitted to the Secretary of State along with a  
27 description and impression of the seal as required by then existing law. The  
28 description of the design of the seal included: "Agriculture; Earth, Sea, and Sun;



1 Oil and Galleon; Hollywood Bowl; Religion; Dairy Farming; Fishing; Industry.”  
2 The Defendants deny that Exhibit 1 attached to the Complaint is an accurate  
3 depiction of the 1957 County seal. As to the remainder of the allegations set forth  
4 in paragraph 24 of the Complaint, the Defendants do not have sufficient informa-  
5 tion or belief to enable them to answer said paragraph and, on that ground, deny  
6 each and every allegation contained therein.

7 25. Answering paragraph 25 of the Complaint, the Defendants admit that  
8 the seal adopted in 1957 was used from 1957 until 2004. As to the remainder of the  
9 allegations set forth in paragraph 25 of the Complaint, the Defendants do not have  
10 sufficient information or belief to enable them to answer said paragraph and, on that  
11 ground, deny each and every allegation contained therein.

12 26. Answering paragraph 26 of the Complaint, the Defendants admit that  
13 the County seal was altered in 2004. The Defendants further admit that Exhibit 2  
14 appears to depict the County seal which was adopted in 2004. As to the remainder  
15 of the allegations set forth in paragraph 26 of the Complaint, the Defendants do not  
16 have sufficient information or belief to enable them to answer said paragraph and,  
17 on that ground, deny each and every allegation contained therein.

18 27. Answering paragraph 27 of the Complaint, the Defendants do not have  
19 sufficient information or belief to enable them to answer said paragraph and, on that  
20 ground, deny each and every allegation contained therein.

21 28. Answering paragraph 28 of the Complaint, the Defendants admit that  
22 the comments attributed to Supervisor Yvonne Burke contained in this paragraph  
23 appear in the Meeting Transcript of the Los Angeles County Board of Supervisors  
24 for June 8, 2004. As to the remainder of the allegations set forth in paragraph 28 of  
25 the Complaint, the Defendants do not have sufficient information or belief to enable  
26 them to answer said paragraph and, on that ground, deny each and every allegation  
27 contained therein.

28 ///

1           29. Answering paragraph 29 of the Complaint, the Defendants admit that  
2 the portion within quotation marks attributed to Supervisor Michael D. Antonovich  
3 appears as part of the comments of Supervisor Antonovich in the Meeting  
4 Transcript of the Los Angeles County Board of Supervisors for June 8, 2004. As to  
5 the remainder of the allegations set forth in paragraph 29 of the Complaint, the  
6 Defendants do not have sufficient information or belief to enable them to answer  
7 said paragraph and, on that ground, deny each and every allegation contained  
8 therein.

9           30. Answering paragraph 30 of the Complaint, the Defendants deny that a  
10 second public hearing before the Board took place on September 24, 2004. The  
11 Defendants admit that a regularly scheduled meeting of the Board took place on  
12 September 14, 2004 and that the portion of paragraph 30 which purports to be a  
13 quote from Supervisor Antonovich is an excerpt of or from the Meeting Transcript  
14 of the Los Angeles County Board of Supervisors for September 14, 2004. As to the  
15 remainder of the allegations set forth in paragraph 30 of the Complaint, the  
16 Defendants do not have sufficient information or belief to enable them to answer  
17 said paragraph and, on that ground, deny each and every allegation contained  
18 therein.

19           31. Answering paragraph 31 of the Complaint, the Defendants admit that  
20 on January 7, 2014, Supervisors Antonovich and Knabe made a motion that the  
21 Board of Supervisors adopt a revised County seal by altering the seal's current  
22 depiction of the San Gabriel Mission to place a proportionately accurate cross at the  
23 apex of the roof in order to accurately depict the Mission and reflect the cultural  
24 and historical role that the Mission played in the development of Los Angeles  
25 County's region. As to the remainder of the allegations set forth in paragraph 31 of  
26 the Complaint, the Defendants deny them.

27 ///

28 ///

1           32. Answering paragraph 32 of the Complaint, the Defendants admit that a  
2 letter dated January 6, 2014 addressed to the Los Angeles County Board of  
3 Supervisors contained the language excerpted and included in paragraph 32 of the  
4 Complaint. As to the remainder of the allegations in paragraph 32, the Defendants  
5 do not have sufficient information or belief to enable them to answer said paragraph  
6 and, on that ground, deny each and every allegation contained therein.

7           33. Answering paragraph 33 of the Complaint, the Defendants admit that  
8 an editorial attributed to The Times editorial board, dated January 3, 2014,  
9 contained the language excerpted and included in paragraph 33 of the Complaint.  
10 As to the remainder of the allegations in paragraph 33 of the Complaint, the  
11 Defendants do not have sufficient information or belief to enable them to answer  
12 said paragraph and, on that ground, deny each and every allegation contained  
13 therein.

14           34. Answering paragraph 34 of the Complaint, the Defendants admit that,  
15 at the meeting of the Board of Supervisors that occurred on January 7, 2014, the  
16 motion to adopt a revised County seal passed by a vote of 3 to 2, and that the "no"  
17 votes were entered by Supervisors Molina and Yaraslovsky. The Defendants  
18 further admit that Exhibit 3 to the Complaint appears to depict the revised County  
19 seal. As to the remainder of the allegations set forth in paragraph 34 of the  
20 Complaint, the Defendants deny them.

21           35. Answering paragraph 35 of the Complaint, the Defendants deny that  
22 the adoption of the revised seal was deliberately intended to promote a sectarian  
23 purpose of favoring Christianity among all religions practiced in Los Angeles  
24 County and disfavor other religious and non-religious beliefs. As to the remainder  
25 of the allegations set forth in paragraph 35, the Defendants have insufficient  
26 information or belief to enable them to answer the remainder of the allegations and,  
27 on that ground, deny each and every additional allegation contained therein.

28 ///



1           36. Answering paragraph 36 of the Complaint, the Defendants do not have  
2 sufficient information or belief to enable them to answer said paragraph and, on that  
3 ground, deny each and every allegation contained therein.

4           37. Answering paragraph 37 of the Complaint, the Defendants deny the  
5 allegations contained in paragraph 37 of the Complaint, and deny that the Plaintiffs  
6 are entitled to relief.

7  
8                                   **CAUSES OF ACTION**

9                                   **First Cause of Action**

10                   **Violation of 42 U.S.C. § 1983 (Based on the Violation of the**  
11                   **Establishment Clause of the United States Constitution As**  
12                   **Incorporated by the Fourteenth Amendment)**

13           38. The Defendants restate and incorporate by reference their responses to  
14 the allegations in paragraphs 1 to 37 of the Complaint as though fully set forth  
15 herein.

16           39. The Defendants deny the allegations contained in paragraph 39 of the  
17 Complaint.

18           40. The Defendants deny the allegations contained in paragraph 40 of the  
19 Complaint.

20           41. The Defendants deny the allegations contained in paragraph 41 of the  
21 Complaint.

22                                   **Second Cause of Action**

23                   **Violation of the California Constitution, Article I, § 4)**

24           42. The Defendants restate and incorporate by reference their responses to  
25 the allegations in paragraphs 1 to 41 of the Complaint as though fully set forth  
26 herein.

27           ///

28           ///

1           43.    The Defendants deny the allegations contained in paragraph 43 of the  
2   Complaint.

**2 | Complaint.**

3           44. The Defendants deny the allegations contained in paragraph 44 of the  
4 Complaint.

**4 | Complaint.**

5           45. The Defendants deny the allegations contained in paragraph 45 of the  
6 Complaint.

6 | Complaint.

**Third Cause of Action**

8 **Violation of the California Constitution, Article XVI, § 5)**

9           46. The Defendants restate and incorporate by reference their responses to  
10 the allegations in paragraphs 1 to 45 of the Complaint as though fully set forth  
11 herein.

10 the allegations in paragraphs 1 to 45 of the Complaint as though fully set forth  
11 herein.

11     herein.

12            47. The Defendants deny the allegations contained in paragraph 47 of the  
13 Complaint.

13 | **Complaint.**

14            48.    The Defendants deny the allegations contained in paragraph 48 of the  
15 Complaint.

15 | Complaint.

16            49. The Defendants deny the allegations contained in paragraph 49 of the  
17 Complaint.

17 | **Complaint.**

**ANSWER TO REQUEST FOR RELIEF**

19           The Defendants deny that the Plaintiffs are entitled to any of the relief  
20 requested, including injunctive and/or other equitable relief, costs of suit, attorneys'  
21 fees or any other relief whatsoever.

20 requested, including injunctive and/or other equitable relief, costs of suit, attorneys'  
21 fees or any other relief whatsoever.

21 fees or any other relief whatsoever.

22 || *///*

23 |||

24 |||

25 |||

26 |||

27 || *///*

28 |||

**FIRST AFFIRMATIVE DEFENSE**

**(Standing)**

50. The Plaintiffs, and each of them, lack standing to assert the claims in the Complaint.

Dated: March 13, 2014

MARANGA \* MORGENSTERN

Kenneth A. Maranga

Patricia E. Ellyatt

Frank J. Ozello, Jr.

GREINES, MARTIN, STEIN & RICHLAND, LLP

Timothy T. Coates

By:



Patricia E. Ellyatt

Attorneys for Defendants COUNTY OF LOS  
ANGELES and WILLIAM T. FUJIOKA

F:\ADMIN\MATTERS - ACTIVE\Davies, Reverend Father Ian Elliott v COLA\Pleadings\Answer.amended.doc

**PROOF OF SERVICE**  
**[C.C.P. §1013]**

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    ) ss:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 5850 Canoga Ave., Suite 600, Woodland Hills, CA 91367.

On **March 13, 2014**, I served the foregoing document entitled **ANSWER OF DEFENDANTS COUNTY OF LOS ANGELES AND WILLIAM T. FUJIOKA TO PLAINTIFFS' COMPLAINT**, on all parties in this action as follows:

**PLEASE SEE ATTACHED SERVICE LIST.**

**By Mail.** By placing a true copy thereof enclosed in a sealed envelope. I am "readily familiar" with the firm's practice of collection and processing for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with first class postage thereon fully paid at Woodland Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter is more than one day after day of deposit for mailing in this Proof of Service.

**By Telefax.** I transmitted said document by telefax to the offices of the addressees at the telefax numbers on the attached Service List.

**By Personal Service.** I delivered such envelope by hand to the addressee(s).

**By Overnight Courier.** I caused the above-referenced document(s) to be delivered to an overnight courier service for next day delivery to the above addressee(s).

**By Email Transmission.** I caused the abovementioned document(s) to be transmitted by email to the address(es) listed below at their respective email address(es) as listed and described below. I am "readily familiar" with this office's practice for transmissions by email. Under that practice transmissions are sent as soon as possible and are repeated, if necessary, until they are reported as complete and without error. In sending the foregoing document(s) by email, I followed this office's ordinary business practices. The sending email address is [mparks@marmorlaw.com](mailto:mparks@marmorlaw.com).

///

///

///

///

///

The below listed individuals are registered with the Court to receive notice of electronically filed documents and will therefore be served via the Court's ECF System:

<p>Linda M. Burrow, Esq.  <u>burrow@caldwell-leslie.com</u>          Andrew Esbenshade, Esq.  <u>esbenshade@caldwell-leslie.com</u>          Jeffrey M. Chemerinsky, Esq.  <u>chemerinsky@caldwell-leslie.com</u>  <b>CALDWELL LESLIE &amp; PROCTOR, PC</b>          725 South Figueroa Street - 31<sup>st</sup> Floor          Los Angeles, CA 90017-5524          Telephone: (213) 629-9040          Facsimile: (213) 629-9022</p> <p><i>-and-</i></p> <p>Mark D. Rosenbaum, Esq.  <u>mrosenbaum@aclu-sc.org</u>          Peter Eliasberg, Esq.  <u>peliasberg@aclu-sc.org</u>  <b>ACLU FOUNDATION OF SOUTHERN CALIFORNIA</b>          1313 West 8<sup>th</sup> Street          Los Angeles, CA 90017          Telephone: (213) 977-9500          Facsimile: (213) 977-5297</p>	<p>Attorneys for Plaintiffs</p> <p><i>REVEREND FATHER IAN ELLIOTT DAVIES; REVEREND J. EDWIN BACON, JR.; SHAKEEL SYED; RABBI HAROLD M. SCHULWEIS; REVEREND TERA LITTLE; RABBI JOHN ROSEVE; REFEREND PETER LAARMAN; DAVID N. MYERS; and RABBI AMY BERNSTEIN</i></p>
<p>Timothy T. Coates, Esq.  <u>tcoates@gmsr.com</u>  <b>GREINES, MARTIN, STEIN &amp; RICHLAND, LLP</b>          5900 Wilshire Boulevard, 12<sup>th</sup> Floor          Los Angeles, CA 900356          Telephone: (310) 859-7811          Facsimile: (310) 276-5261</p>	<p>Attorneys for Defendants  <i>COUNTY OF LOS ANGELES and WILLIAM T. FUJIOKA</i></p>
<p>Hon. Christina A. Snyder  <b>UNITED STATES DISTRICT COURT</b>  <b>Courtroom 5, 2<sup>nd</sup> Floor</b>          312 N. Spring Street          Los Angeles, CA 90012</p>	<p><b>(COURTESY COPY – BOX)</b></p>



Hon. John E. McDermott  
UNITED STATES DISTRICT COURT  
**Courtroom C, 8<sup>th</sup> Floor**  
312 N. Spring Street  
Los Angeles, CA 90012

**(COURTESY COPY – BOX)**

X **(Federal)** I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **March 13, 2014**, at Woodland Hills, California.

  
MARY ANN PARKS